

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ADAPTIVE SPECTRUM AND SIGNAL
ALIGNMENT, INC.

Plaintiff,

v.

CHARTER COMMUNICATIONS, INC.

Defendant.

Case No.: 2:24-cv-124 -JRG-RSP

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to Patent Rule 4-3 and the Court’s Amended Docket Control Order (Dkt. 40), Plaintiff Adaptive Spectrum and Signal Alignment, Inc. (“ASSIA” or “Plaintiff”) and Defendant Charter Communications, Inc. (“Defendant” or “Charter”)¹ submit the following Joint Claim Construction and Prehearing Statement to the Court, stating as follows:

I. Construction of Claim Terms on Which the Parties Agree

The parties have met and conferred and have not come to agreement on the construction of any of the terms of U.S. Patent Nos. 7,809,996 (the “’996 Patent”), 10,848,398 (the “’398 Patent”), 11,050,654 (the “’654 Patent”), 11,477,108 (the “’108 Patent”), and 11,770,313 (the “’313 Patent”) (collectively, “the Asserted Patents”) in dispute.

¹ ASSIA agreed to dismiss its claims against defendants Charter Communications Operating, LLC, Charter Communications Holding Company, LLC, and Spectrum Management Holding Company, LLC in this case based on certain representations made by Charter. Dkt. 80 in Case No. 2:24-cv-00029-JRG-RSP.

II. Proposed Constructions of Disputed Terms/Phrases

Exhibit A lists the parties' proposed constructions for terms/phrases in dispute and/or indefiniteness positions for the Asserted Patents with intrinsic and extrinsic evidence supporting such constructions.

The parties reserve the right to rely upon any intrinsic or extrinsic evidence identified by the other party, and any evidence obtained through claim construction discovery, if any. In addition, each party reserves the right to amend, correct, or supplement its claim construction position and supporting evidence in response to any change of position by the other party, or for other good cause.

III. P.R. 4-3(a)(3) Time for Claim Construction Hearing

The parties believe that no more than three (3) hours (90 minutes per side) should be necessary for the claim construction hearing in this case.

IV. P.R. 4-3(a)(4) Witnesses to be Called at the Claim Construction Hearing

No party will call any live witness at the claim construction hearing.

V. P.R. 4-3(a)(5) Prehearing Conference Prior to Claim Construction Hearing

The parties are not presently aware of any issues which might be taken up at a prehearing conference prior to the claim construction hearing.

Dated: December 19, 2024

Respectfully submitted,

/s/ Nicole Glauser

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via CM/ECF on December 19, 2024, pursuant to L.R. CV-5.2.

/s/ Nicole Glauser

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on December 18, 2024 counsel for Plaintiff met and conferred with counsel for Charter to discuss the substantive issues addressed in this Statement pursuant to Local Rule CV-7(h-i).

/s/ Nicole Glauser